



City of Norfolk

Office of the City Manager

C: Dir., Director of Public Works

October 3, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Encroachment – Granite curb

Ladies and Gentlemen:

I. **Recommended Action:** Adopt ordinance

II. **Overview**

This agenda item is an encroachment to permit William S. Hull to encroach into the right of way at 7311 Barberry Lane with 100' +/- of granite curb on concrete footers to improve the drainage and straighten the pavement along Barberry Lane in front of his residence. The work will be along the western edge of the existing pavement and will include repairing and replacing existing pavement, constructing new granite cobblestone curb, backfilling behind curb and restoring lawn.

III. **Analysis**

A. **General**

Norfolk City Code, Section 42-10, requires all encroachments into the rights-of-way to be approved by City Council. An encroachment is an approved object or structure that encroaches into a City of Norfolk right of way. The encroachment at this location will allow the improvement of the curbing and pavement in front of the applicant's residence and improve the drainage and aesthetics of the area.

B. **Fiscal**
NA

C. **Environmental**
NA

D. **Community Outreach/Notification**

Public notification for this item was conducted through the City of Norfolk's agenda notification process.

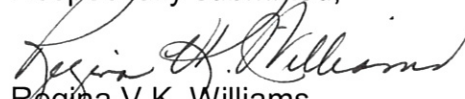
IV. Board/Commission Action

The Department of Public Works, Utilities and Planning have reviewed the request and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission was not required.

V. Conclusion

The applicant has provided the required certificate of insurance and the encroachment is subject to revocation by the City Council; therefore it is recommended that the City Council adopt the ordinance, which will allow Mr. Hull to move forward with the plans and construction of the granite curb, footers and paving.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Regina V.K. Williams".

Regina V.K. Williams
City Manager

sd 9/12/06

Form and Correctness Approved

Contents Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

By

DEPT.

Public Works

ORDINANCE No.

AN ORDINANCE PERMITTING WILLIAM S. HULL TO ENCROACH INTO THE RIGHT OF WAY AT 7311 BARBERRY LANE WITH A GRANITE CURB, CONCRETE FOOTERS AND PAVEMENT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

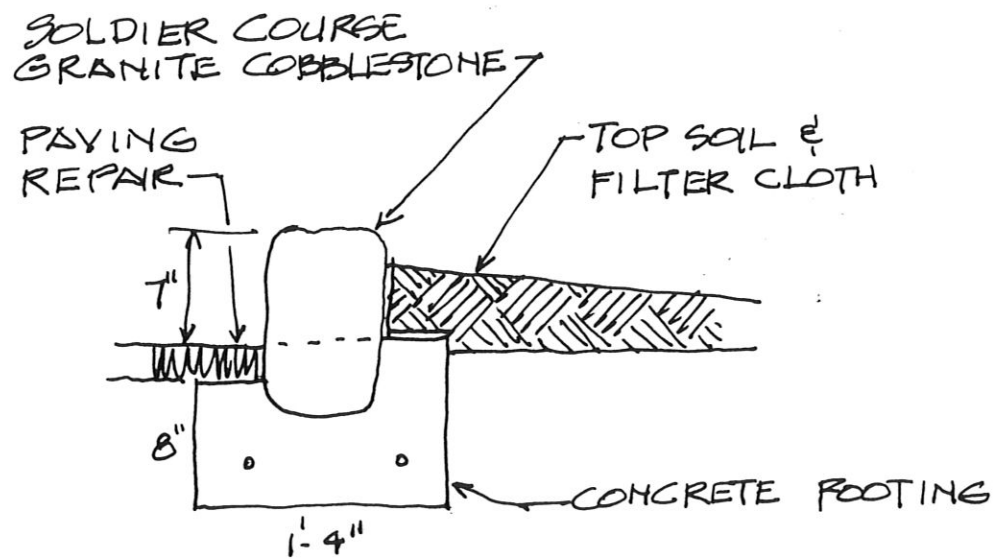
Section 1:- That permission is hereby granted to William S. Hull, his successors and assigns, to encroach into the right of way at 7311 Barberrry Lane with 100' +/- granite curb on concrete footers with pavement as shown on the sketches attached hereto, subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation William S. Hull or his successors and assigns shall immediately remove the encroaching structures.
- (2) That the City of Norfolk's operation, maintenance, repair or replacement of utilities located within the right of way may result in the removal, damage or destruction of anything encroaching into the utility right of way. The City of Norfolk is not responsible for any damage, replacement or reinstallation costs for the encroachment.
- (3) That William S. Hull, at his expense, must repair or replace to existing or better condition any sewer or water lines, utilities, sidewalk, curb, gutter, trees, poles, drains and similar items damaged during construction of the encroachments.
- (4) That the curb, footers and replaced pavement from construction shall be the responsibility of the property owner and that the completed installation of the improvements shall not cause any drainage problems. Drainage plans must be submitted to and approved by Mr. Randy Thomson of the City's Environmental Storm Water Division

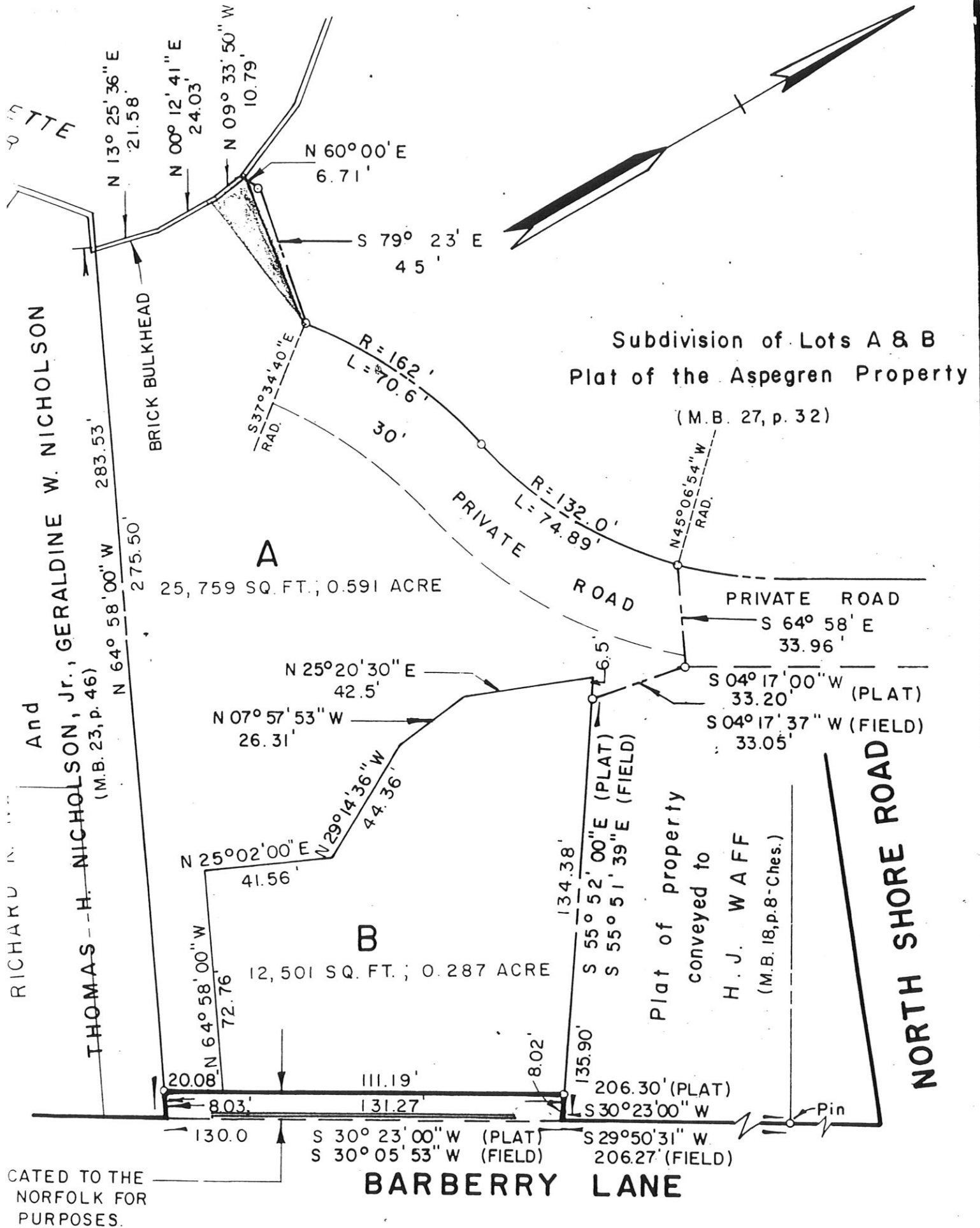
prior to beginning construction and construction must be in accordance with the approval plans.

- (5) That William S. Hull, his successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring the property and naming the City of Norfolk as an additional insured party in the amount of at least \$1,000,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City and/or William S. Hull and his successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of the encroaching structure; that evidence of such insurance shall be filed with the Risk Manager, Department of Finance of the City of Norfolk.

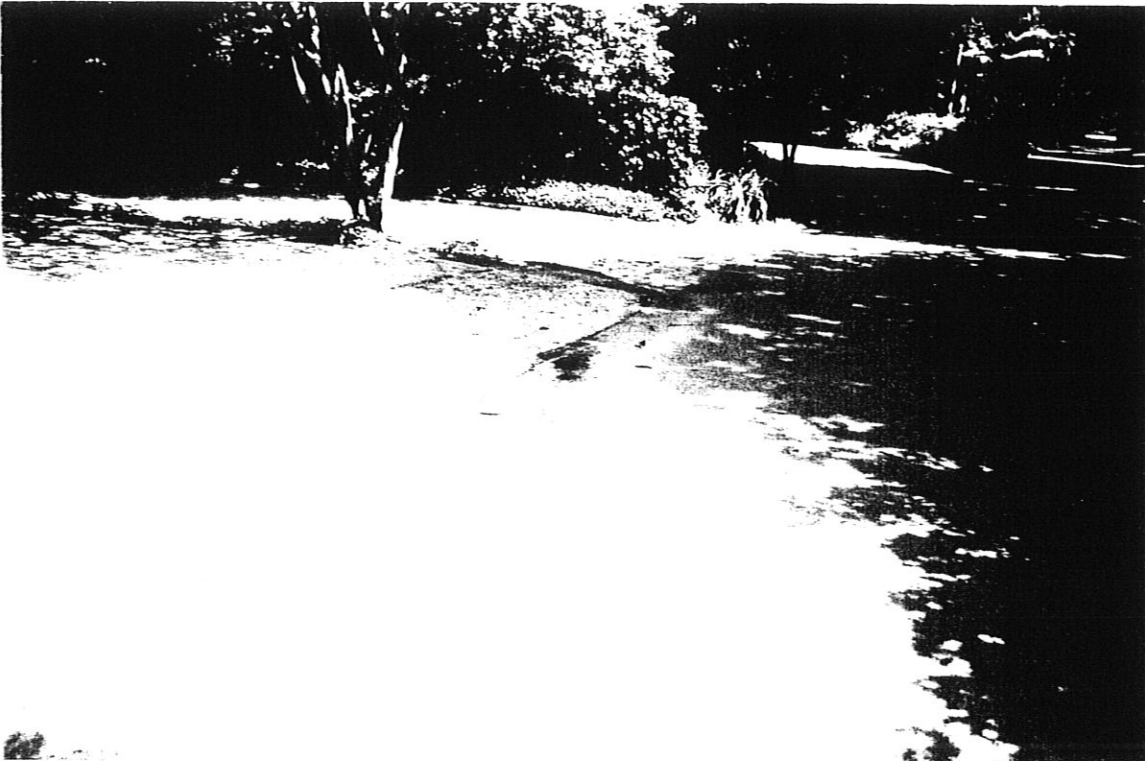
Section 2:- That this ordinance shall be in effect from and after its adoption.



CURB DETAIL
1" = 1'-0



VIEW
LOOKING
SOUTH



ADJACENT
PROPERTIES
LOOKING
NORTH